

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 10, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:14 a.m. The meeting was recessed by Mayor Murphy at 11:04 a.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 11:13 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 12:00 p.m. for the noon break to be reconvened at 2:30 p.m.

The meeting was reconvened by Mayor Murphy at 2:37 p.m. with Council Member Peters not present. Mayor Murphy recessed the meeting at 4:18 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:33 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 6:37 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:54 p.m. with Council Member Madaffer not present. Mayor Murphy adjourned the meeting at 7:36 p.m. immediately into Closed Session in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour (gs/pr)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on taxes for employees who work in public service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. - 10:28 a.m.)

PUBLIC COMMENT-2:

Wes Johnson announced the distribution of “Access in San Diego” guide.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:33 a.m.)

PUBLIC COMMENT-3:

Al Strohlein commented on drag racing, drunk driving, and confiscating vehicles.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:35 a.m.)

PUBLIC COMMENT-4:

Noel Neudeck commented on the City’s use of outdated software.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. - 10:37 a.m.)

PUBLIC COMMENT-5:

Jim Varnadore commented on the success of the “International Village Celebration” in City Heights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. - 10:38 a.m.)

PUBLIC COMMENT-6: REFERRED TO THE CITY MANAGER

Mel Shapiro expressed his concerns with the budget and the debt Centre City Development Corporation owes the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. - 10:42 a.m.)

PUBLIC COMMENT-7:

Tami Ballard and Amy Rogala commented on the budget proposal which could affect civilians who work crime scenes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. - 10:45 a.m.)

PUBLIC COMMENT-8:

Arlene Tsaousis commented on statements made at a previous meeting regarding the Disabled Parking Enforcement Team.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. - 10:49 a.m.)

PUBLIC COMMENT-9:

Kathryn Burton commented on the ruling of a Superior Court Judge in the matter regarding a development project in Torrey Hills.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. - 10:52 a.m.)

PUBLIC COMMENT-10:

Paula Abney commented on recent redevelopment issues facing the community of Torrey Hills.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m. - 10:55 a.m.)

PUBLIC COMMENT-11:

Joyceline Tarr recommended and encouraged Council to read a book called “Fixing Elections.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. - 10:57 a.m.)

PUBLIC COMMENT-12:

Frank Eaves commented regarding the persecution of “Falun Gong” followers in Yantai, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. - 11:00 a.m.)

PUBLIC COMMENT-13:

Ron Boshun commented on the actions of the City Council.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 11:01 a.m. - 11:03 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Madaffer noting that Hearst Elementary School presented Mayor Murphy with a shirt.

Council Member Madaffer commented that Police Officers, Fire Fighters, and Park Rangers in Mission Trails Park have been involved in a lot of rescues over the years and the largest percentage of the rescues have occurred on Cowles Mountain. To date, the average rescue takes anywhere from three to three and a half hours, and in May discussions began on ways to improve techniques that were being utilized to coordinate rescue efforts in a more safe and efficient way. Council Member Madaffer described the new staging on Cowles Mountain established by personnel with three equally spaced landing areas for helicopters that have resulted in quicker and more efficient rescues.

FILE LOCATION:

MINUTES

COUNCIL ACTION:

(Time duration: 2:37 p.m. - 2:41 p.m.)

COUNCIL COMMENT-2:

Council Member Atkins noted that she attended the Neighborhood House Association annual meeting celebrating their 89th year as "A Neighbor to Count On." Also, June 5, 2003, was known as "National Hunger Awareness Day," and that the Neighborhood House supports the food bank. Although it is no longer June 5th, Council Member Atkins wished to remind people that they could still organize food drives, or make contributions. Council Member Atkins accepted an award from Neighborhood House on behalf of the City that read "Presented in Recognition of Exceptional Support for Vital Community Services." However, Council Member Atkins wished to recognize and present the award to Debra Fischle-Faulk for all her hard work on behalf of Community and Economic Development, and for her hard work on national hunger.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:42 p.m. - 2:44 p.m.)

COUNCIL COMMENT-3:

Comment by Council Member Lewis wishing to note the closing of Lincoln High School and that there is a monument across the street from Lincoln High called "The Wall of Excellence" which was erected three years ago in recognition of the 4th District youth, and Willy James Jones who was shot while attending Lincoln High School. This past Saturday Council Member Lewis recognized the youth in the 4th Council District for their academic achievement in excellence.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:45 p.m. - 2:46 p.m.)

COUNCIL COMMENT-4:

Comment by Council Member Peters wishing to recognize and congratulate two public High Schools in his District; Torrey Pines and La Jolla that rated in the top 75 High Schools in the country. On Thursday June 12, 2003, the Planning Commission will be holding its workshop regarding building heights and how those are measured. Council Member Peters wished to encourage members of the public who are interested, to attend the meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:46 p.m. - 2:47 p.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

- * ITEM-100: Two actions related to Inviting Bids and Award of Contract for Coastal Sewage Interception/Low Flow Storm Drain Diversion Project - Phase II and IIB.

(La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1293) ADOPTED AS RESOLUTION R-298053

Approving the plans and specifications for the Construction of Coastal Sewage Interception/Low Flow Storm Drain Diversion Project - Phase II and IIB (Project) on Work Order No. 121240;

Authorizing the City Manager to execute a contract with the lowest responsible and reliable bidder for the Project in an amount not to exceed \$1,928,450, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,928,450 from Fund No. 41506 (\$545,000 from CIP-45-938.0, Beach Area Low Flow Storm Drain Diversion, and \$703,440 from Fund No. 38958, Coastal Low Flow Storm Drain, and \$680,010 from Fund No. 10525, Sewer Contributed Fund, both from CIP-12-124.0), for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit in the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K031306)

Subitem-B: (R-2003-1294) ADOPTED AS RESOLUTION R-298054

Certifying that Mitigated Negative Declaration No. 99-0232 and Mitigated Negative Declaration No. 99-0697 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the reports, together with any comments received during the public review process, have been reviewed and considered by Council in connection with the approval of Coastal Sewage Interception/Low Flow Storm Drain Diversion Project - Phase II and IIB;

Declaring that the Council finds that the Project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, approving the said Mitigated Negative Declarations;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for the interception and diversion of beach area dry weather nuisance flows as well as incidental sewage spills that might otherwise spill to the beach through storm drain outfalls. These diverted flows are directed into the sewer system for treatment. This is implemented through the construction of sub-surface diversion valves or interceptor pump stations at 18 storm drain outfall sites of which 16 sites are in La Jolla, and 2 sites are located in Pacific Beach. Phase II was designed by Hirsh Engineering and contains 14 sites. Funding for the construction and contingency of 17 out of the 18 sites is provided 55 %from Federal Grants (\$851,356) and 45% (\$696,564) from sewer funds as City match to the Federal grant. Engineering and inspection (\$274,246) costs will be funded with sewer funds. The construction of one (\$96,553) of the 18 sites will be fully funded by sewer moneys, as it does not qualify for Federal Grants.

The locations of the 18 low flow diversion facilities are listed below:

- 1 site is located on El Paseo Grande
- 1 site is located on Spindrift Avenue
- 5 sites are located along Coast Boulevard
- 9 sites are located along Neptune Place
- 2 sites are located on Ocean Boulevard

FISCAL IMPACT:

The total authorized to expend is \$1,928,450. Funds in the amount of \$1,928,450 are currently available in Fund 41506, CIP-45-938.0 in the amount of \$545,000, and in Fund 38958 in the amount of \$703,440 and Fund 10525 in the amount of \$680,010, CIP-12-124.0, Beach Area Sewage Interception/Low Flow Storm Drain Diversion.

Loveland/Belock/PB

Aud. Cert. 2301186.

FILE LOCATION: CONT-Cass Construction, Inc.; W.O. 121240

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Retroactive Ratification of Award to Lease Heavy Duty Wheel Tractor Scrapers.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1312 Cor. Copy) ADOPTED AS RESOLUTION R-298055

Retroactively ratifying the contract that was accepted and awarded to the low bidder meeting specifications, Hawthorne Machinery Company (Contractor), San Diego, CA, for the lease of heavy duty wheel tractor scrapers, as may be required for a period of one year beginning May 1, 2001 through April 30, 2002, for a total estimated cost of \$1,670,556; terms NET 30 days; with options to renew the contract for four additional one year periods; with two option years remaining; with no price escalations of prices in effect at the end of each prior contract year;

Authorizing the City Manager to award the contract to the next low bidder meeting specifications in the event the Contractor fails to perform in accordance with the contract specifications;

Authorizing an additional FY 2003 expenditure of approximately \$680,556 from Fund No. 41200, Department No. 752, Organization No. 3101, Object Account No. 4685, Job Order No. 002315/032010, and Fund No. 30244, Department No. 30244, Organization No. 113, Object Account 4685, and Job Order No. 370560;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council approval is requested to retroactively ratify the award of contract to Hawthorne Machinery Company for the lease of heavy duty wheel tractor scrapers, Bid No. 4070-01-Y. This equipment is leased by Environmental Services, Refuse Disposal Division, at the Miramar Landfill. Due to an oversight, Council approval was not obtained at contract inception.

At time of contract award in Fiscal Year 2001, six (6) units were scheduled to be leased from Hawthorne Machinery Company at the estimated cost of \$1,670,556. These units are replacement units for similar pieces of equipment, which had been leased by Environmental Services, Refuse Disposal Division, and for which the lease contract expired May 31, 2001.

Thirteen (13) potential bidders were contacted and one (1) bid was received. On April 30, 2001, the low bidder meeting specifications, submitted by Hawthorne Machinery Company, San Diego, Ca, was accepted and the subject contract was awarded as a requirements contract for a period of one (1) year beginning May 1, 2001 through April 30, 2002, for a total estimated annual lease cost of \$1,670,556; with options to renew the contract for four (4) additional one (1) year periods, with no price escalations.

To assess the benefits of re-bidding the existing contract (Bid No. 4070-01-Y), Purchasing surveyed the industry for similar pieces of equipment. As in 2001, only one company would bid on the contract since only one manufacturer produces heavy duty wheel tractor scrapers and Hawthorne Machinery Company is the only distributor of this equipment in San Diego County. Therefore, Purchasing contacted Hawthorne Machinery Company to negotiate a reduction in the hourly usage rate. Hawthorne Machinery Company responded that they were unable to extend a price reduction to the City for volume discount. However, per contract, Hawthorne Machinery Company cannot pass on any price increases from the manufacturer for any contract renewal periods.

The total estimated annual lease cost amounts to \$1,670,556. This sum does not include costs of repairs for potential damage caused by City employees. Additional funds for repair costs will be made available by the Environmental Services Department, as may be required.

FISCAL IMPACT:

FY 2003 Total Remaining Lease Cost: \$680,556.
 Total Estimated Annual Lease Cost: \$1,670,556.

Loveland/Baldwin/WR

Aud. Cert. 2301208.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Sewer Pump Station No. 61 Improvements - Request for Additional Funds.

(See memorandum from Frank Belock, Jr. dated 4/23/2003. Kearny Mesa Community Area. District-6.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1364)

ADOPTED AS RESOLUTION R-298056

Approving Change Order No. 9, dated March 7, 2003, issued in connection with the contract between the City of San Diego and AES Construction Group, for the construction of Sewer Pump Station No. 61, and the change therein set forth, amounting to a net increase in the contract price of \$49,028.54, and an extension of time of thirty working days;

Authorizing an additional expenditure of an amount not to exceed \$50,114.21, from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Pump Station Restorations, for Closeout Change Order and engineering and related costs, for the purposes of providing funds for the Project, provided that the City Auditor first furnishes a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve the project. (Councilmembers Zucchet, Lewis, Frye, Madaffer and Inzunza voted yea.)

SUPPORTING INFORMATION:

Council authorized an agreement with EarthTech, Inc., formerly known as Barrett Consulting Group, Document Number R-281299, to provide engineering services for the upgrade and replacement of Sewer Pump Station No. 61. This facility, located at 5074 Mercury Street, was built in 1972 and needs to be upgraded with the current design and safety standards. Council authorized the award of this contract to AES Construction Group, Document Number R-292314.

This project is currently in the completion stage of construction and this request will provide for final payment and closeout of the construction contract.

The additional work covered by this change order includes: reconfiguration of conduits between the panels within the station and the power source outside the station in conformance with electrical codes to provide for proper operation of the station, programming and re-wiring of conduits of the pump control system and the SCADA monitoring and telemetry control systems

to provide proper automation and monitoring of the station, and interior and exterior conduit re-routing related to emergency and backup alarm features. The pumps originally specified for the project became discontinued during construction. The pumps that were available and acceptable to the City had a larger motor which required a larger power generator. This created changes in the electrical layout of the control panels due to conflicts with other panels.

In addition, the alignment of the existing force main was not per record drawings. Additional work was required to change the alignment in order that a straight connection could be made.

FISCAL IMPACT:

The total cost for this action is \$50,114.21. Funding for this request will come from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration. Total cost of the project, including construction, is \$2,771,639.21.

Loveland/Belock/HR

Aud. Cert. 2301147.

WWF-03-653.

FILE LOCATION: CONT - AES Construction Group; W.O. 172421

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Transfer of Funds - Canyonside Community Park Drainage Improvements.

(Rancho Peñasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1387)

ADOPTED AS RESOLUTION R-298057

Authorizing the City Auditor and Comptroller to transfer funds in an amount not to exceed \$100,000 from Park Village Estates Development Agreement Fund, Fund 392044, as advanced funding to CIP-29-573.0, Canyonside Community Park Drainage Improvements;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2003 Capital Improvements Program Budget by increasing CIP-29-573.0, Canyonside Community Park Drainage Improvements, by \$100,000;

Authorizing the City Auditor and Comptroller to expend \$100,000 from CIP-29-573.0, Canyonside Community Park Drainage Improvements;

Directing the City Manager to process an amendment to the Rancho Peñasquitos Public Facilities Financing Plan, adding the project entitled "Canyonside Community Park Drainage Improvements," such that \$100,000 is programmed in Fiscal Year 2004, for the purpose of reimbursing the Park Village Estates Development Agreement (Fund 392044) in Fiscal Year 2004, or at the earliest possible time thereafter;

Authorizing the City Auditor and Comptroller, upon advice from the administering departments, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The existing Canyonside Community Park is located at 12350 Black Mountain Road. The community park currently provides a recreation building, tennis court facilities, active and passive turf areas, tot lot, pedestrian walkways and parking. The proposed drainage improvements will alleviate conflicts between storm water drainage from existing parking lots and heavily used recreational multi-purpose fields. This request will provide for the required environmental studies, permit and regulatory processing.

FISCAL IMPACT:

The estimated cost for this phase of project is \$200,000 of which \$100,000 has been previously approved. The remaining funds (\$100,000) are available in CIP-29-573.0, Canyonside Community Park Drainage Improvements. The total project is estimated at \$900,000. The requested \$100,000 will come from Park Village Estates Developer Agreement until "Canyonside Community Park Drainage Improvements" is added to the Rancho Peñasquitos Public Facilities Financing Plan and \$100,000 is programmed into FY 2004, then the Park Village Estates Developer Agreement Fund 392044 can be reimbursed by Fund 79004, Rancho Peñasquitos FBA Fund.

Loveland/Belock/AO

Aud. Cert. 2301161.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Additional Funding for Annual Allocation - Accelerated Projects.

(See memorandum from Scott Tulloch dated 4/23/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1395) ADOPTED AS RESOLUTION R-298058

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,290,000 within Fund No. 41506, from CIP-46-191.0, Brine Management Force Main & Pump Station, to CIP-46-206.0, Annual Allocation - Accelerated Projects.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/30/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

This request is to transfer funds from CIP-46-191.0, Brine Management Force Main and Pump Station to CIP-46-206.0, Annual Allocation - Accelerated Projects to provide funding for accelerated work on the Chocolate Canyon Trunk Sewer, Ingelow Street Emergency Sewer Replacement, Montclair Street Emergency Sewer Replacement, and Pascoe Lane Emergency Sewer Replacement. Funds are available for transfer from the Brine Management project as a result of rescheduling the project construction.

Field and video inspections indicate the 10-inch concrete sewer pipe in Chocolate Canyon is in poor condition and in need of immediate attention. Some segments of the pipe are badly deteriorated and in danger of collapsing. This work is being initiated to prevent an imminent spill and protect the public's health and safety. This project will replace thirteen manholes, and approximately 1,980 linear feet of sewer main. Construction activities will include: trenching, installation of pipe and manholes, backfilling, clean-up, erosion control, and restoration of existing landscaping. The open trench method is proposed to replace the sewer main due to the physical constraints imposed by connecting mains. Trenching activities will be limited to the minimum required to accommodate construction equipment. Furthermore, existing access paths will be utilized whenever possible to reduce disturbances to the surrounding area. Environmental mitigation will be done with Sewer Group Job 644.

Ingelow Street Emergency Sewer Replacement replaces approximately 370 linear feet of 6-inch concrete pipe which was found to be extremely deteriorated and is in need of immediate replacement. Montclair Street Emergency Sewer Replacement replaces approximately 535 linear feet of 6-inch concrete pipe which was found to be extremely deteriorated with severe root intrusion and is in need of immediate replacement. Pascoe Lane Emergency Sewer Replacement replace 493 linear feet of 8-inch vitrified clay pipe which was found to be extremely deteriorated and is in need of immediate replacement. If these projects are not executed, there is a potential for sewage overflows, thus adversely affecting public health and safety.

FISCAL IMPACT:

This request is for \$1,290,000. Funds are available in Sewer Fund 41506, CIP-46-206.0, Annual Allocation - Accelerated Projects.

Mendes/Tulloch/AN

Aud. Cert. 2301168.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-105: Two actions related to Old San Diego Public Facilities Financing Plan and Development Impact Fee.

(See City Manager Report CMR-03-094. Old San Diego Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1319) ADOPTED AS RESOLUTION R-298059

Approving the Old San Diego Public Facilities Financing Plan, dated April 2003.

Subitem-B: (R-2003-1320) ADOPTED AS RESOLUTION R-298060

Rescinding the existing Development Impact Fees (DIF) for the Old San Diego community;

Declaring the DIF fee schedule contained in the Old San Diego Public Facilities Financing Plan, April 2003, to be an appropriate and applicable DIF fee schedule for all properties within the Old San Diego Community Planning Area;

Incorporating the Docket Supporting Information (City Manager Report CMR-03-094) and the text contained in the Old San Diego Public Facilities Financing Plan, April 2003, by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation: 1) identifies the purpose of the DIF; 2) Identifies the use to which the DIF is to be put; 3) Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and 4) demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/7/2003, LU&H voted 5 to 0 to approve the report. (Councilmembers Peters, Zucchet, Atkins, Lewis and Frye voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:20 a.m. - 10:24 a.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Two actions related to Southeastern San Diego Public Financing Plan, FY 2003.

(See City Manager Report CMR-03-078; Southeastern San Diego Public Facilities Financing Plan, Fiscal Year 2003; letters from Reynaldo Pisano dated 5/6/2003 and 4/21/2003. Southeastern San Diego Community Area. Districts-4 and 8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1188) ADOPTED AS RESOLUTION R-298061

Approving the document titled "Southeastern Public Facilities Financing Plan,
Fiscal Year 2003, dated May 2003.

Subitem-B: (R-2003-1285) ADOPTED AS RESOLUTION R-298062

Rescinding the existing Development Impact Fees for the Southeastern San Diego
Community and establishing new Development Impact Fees for all property within
the Southeastern San Diego Community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/7/2003, LU&H voted 5 to 0 to approve the item and move it forward to Council.
Councilmember Lewis did express concerns over the increase in fees, particularly the increase in
residential fees. The City Manager was directed by the Committee to forward a written response
to Mr. Pisano addressing the concerns in his letter. The City Attorney was also directed by the

Committee to provide a written response to Jerry Livingston, Staff Counsel for the Building
Industry Association, regarding concerns over the increase in fees and the legality of those fee
increases under the Mitigation Fee Act. (Councilmembers Peters, Zucchet, Atkins, Lewis, and
Frye voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:26 a.m.)

MOTION BY LEWIS TO ADOPT. Second by Inzunza. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-107: First Amendment to Professional Engineering Services Agreement for La Jolla Village Drive Widening from North Torrey Pines Road to Interstate 5.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1391)

ADOPTED AS RESOLUTION R-298063

Authorizing the City Manager to execute a First Amendment to the Agreement with Fraser Engineering, in an amount not to exceed \$150,000, for professional engineering services for CIP-52-452.0, for La Jolla Village Drive Widening, contingent upon the City Auditor and Comptroller first certifying that funds are available;

Authorizing the expenditure of an amount not to exceed \$150,000 from Fund 79001, Facilities Benefit Assessment Fund, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION:

The widening of La Jolla Village Drive project will provide a six (6) traffic-lane prime arterial with sidewalks and bike lanes between North Torrey Pines Road and Gilman Drive and eight (8) traffic-lane prime arterial from Gilman Drive to Villa La Jolla Drive. It also includes bridge widening and interchange improvements at La Jolla Village Drive/Gilman Drive overcrossing. This project is consistent with both the La Jolla/La Jolla Shores and University City Community Plans.

Per RR-281698, the City Council approved the Consultant Agreement with Fraser Engineering for the preparation of plans, specifications and estimates.

The First Amendment to the Agreement with Fraser Engineering will provide for updating the plans, specifications, and estimates to current design standards, which includes the new ADA requirements and provisions for stormwater collection and discharge. In addition, the amendment will also provide engineering support services during construction.

FISCAL IMPACT:

Funding necessary for this action, in the amount of \$150,000, which is available from Fund 79001, Facilities Benefit Assessment Funding. The base fee is \$130,000 and \$20,000 is available for additional services, if required.

Loveland/Belock/PB

Aud. Cert. 2301191.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Utility Agreement No. 29884 with the State of California, Department of Transportation.

(See letter from California State, Department of Transportation dated 3/28/2003. Golden Hills Community Area. Districts-3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1437) ADOPTED AS RESOLUTION R-298064

Authorizing the City Manager to execute Utility Agreement No. 29884 with the State Department of Transportation, for relocation of water mains to accommodate the State's Project for the improvements of State Route 15.

CITY MANAGER SUPPORTING INFORMATION:

The State of California through the Department of Transportation has made improvements to close the existing Imperial Avenue ramps and constructed a City street as a mitigation. The City of San Diego water mains were relocated on the 36th Street bridge between Tompkins Street and where Imperial Avenue coalesces with Durant Street.

The construction work for the above described project was completed by the State Department of Transportation in 1999. The State prepared the plans to relocate City water mains. The utility agreement for this project was inadvertently never signed prior to start of the construction. Funding in the amount of \$15,000 has been set aside by the State for reimbursement to the City for engineering services, relocation and reconnecting to existing mains. Upon execution of this utility agreement, the City will be able to bill the State for reimbursement in the amount of \$15,000. Please note that per the letter from State that the City has only 90 days till June 27, 2003, to bill the State. If not billed, the State will disencumber funds for this project.

FISCAL IMPACT: None.

Mendes/Gardner/SM

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Lease Approval - Social Advocates for Youth.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1070)

ADOPTED AS RESOLUTION R-298065

Authorizing the City Manager to execute a 10-year lease agreement with Social Advocates for Youth (SAY) San Diego, for the continued operation and maintenance of a before and after school child care center emphasizing recreational programs on approximately 0.08 acres of land within Spring Canyon Neighborhood Park located at 11838 Scripps Poway Parkway, at an initial yearly rent of \$1.

CITY MANAGER SUPPORTING INFORMATION:

Social Advocates for Youth (SAY) San Diego is a nonprofit organization that provides before-school and after-school programs at various locations, including one for students of Dingeman Elementary School in the Miramar Ranch North area. SAY operates its Dingeman program from a 3,600-square-foot modular building which it constructed at the east end of Spring Canyon Neighborhood Park, adjacent to the school. The 0.08-acre portion of the City park occupied by SAY's building is part of a City-School District joint use area under a 25-year agreement approved by the City Council in 1993. The child care facility is a permitted use under that agreement as well as being an allowable use of City parkland.

SAY's 3-year lease with the City has expired and is now on holdover. Proposed for approval is a new 10-year lease with SAY. The new lease is acceptable to the School District, Park and Recreation Department, and Community Services Division. Rent will be \$1 per year plus a yearly \$2,562 administrative fee to be adjusted annually. SAY does all of the maintenance of its leasehold and pays for the utilities, except the City furnishes what it considers to be a reasonable amount of water to the premises. City staff estimates the value of the 0.08 acre of parkland under lease to SAY to be \$6,000 as of January 2003.

FISCAL IMPACT:

An annual administrative fee, initially \$2,562, will be deposited into the General Fund 100.

Herring/Griffith/PTC

FILE LOCATION: LEAS - Social Advocates for Youth (SAY) San Diego

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-110: Consultant Update: A) Transportation - Adopt Memorandum of Understanding and B) Washington, D.C. Recommendation.

(See memorandum from Andrew Poat dated 5/1/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1366) ADOPTED AS RESOLUTION R-298066

Authorizing the City Manager to enter into a Memorandum of Understanding with San Diego Association of Governments (SANDAG), San Diego Metropolitan Transit Development Board (MTDB), and North County Transit Development Board (NCTD), for regional transportation consulting services;

Authorizing the City Manager to enter into contract negotiations with the firm of Patton Boggs for Federal consultant services;

Directing the City Manager to return to the Rules Committee with a recommendation regarding a Public Utilities Commission consultant following project review and consultation with the City Attorney, the City Energy Department, and the Regional Energy Office, not later than July 1, 2003.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 5/7/2003, RULES voted 4 to 0 to: 1) authorize the Director of Governmental Relations to enter into a Memorandum of Understanding with SANDAG, MTDB, and North County Transit for regional transportation consulting services; 2) authorize the Director of Governmental Relations to enter into contract negotiations with the firm of Patton Boggs for Federal consultant services; 3) direct the Department to return to the Rules Committee with a recommendation regarding a Public Utilities Commission consultant following project review and consultation with the City Attorney and Energy Offices, not later than July 1, 2003. (Councilmembers Peters, Maienschein, Madaffer and Mayor Murphy voted yea. Councilmember Inzunza not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Gun Violence Prevention Grant from the U.S. Bureau of Justice Assistance.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1399) ADOPTED AS RESOLUTION R-298067

Authorizing the Chief of Police to apply for, accept, manage and expend grant funds under the Gun Violence Prevention Program;

Authorizing the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided grant funding is made available, and certifying that the City will comply with all applicable statutory or regulatory requirements related to said program;

Declaring that any resources received hereunder shall not be used to supplant expenditures controlled by the body; and that personnel positions, if any, funded under this grant are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department has been selected by the U.S. Bureau of Justice Assistance to receive a grant of approximately \$250,000 over a two-year period for a Gun Violence Prevention program.

Recognizing the serious role that firearms play in violent crimes, SDPD proposed an integrated and sequential project to enhance our ability to identify guns used in gang related crimes, to remove the guns from the streets, and to arrest and prosecute the violent gang members who use the guns. The program develops a systematic plan for officer education, enhancements to the Property Section/Gun Desk and the Crime Laboratory Firearms Examination Unit, implementation in Crime Analysis of a Link Analysis program, focused enforcement, and public education. This project will enable SDPD to fully analyze every impounded target gun, and to perform analyses necessary to support parole/probation revocation, arrest and prosecution of violent gang criminals, and other violent criminals as identified.

The grant will fund salary and benefits of one Associate Administrative Analyst; a Forensics Intern; overtime for Gang Suppression Team officers; mandatory travel; equipment and office supplies. Funds are available in the grant for ongoing automation support and expenses.

FISCAL IMPACT:

There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are exhausted or terminated. Federal law requires that these funds supplement and not supplant funds otherwise available to law enforcement. All project costs will be covered by the grant. The \$50,000 allocated in the grant budget for Link Analysis Software Development and Implementation includes the costs of installation, training, support, warranty and maintenance. Any incidental support costs such as clerical and supervisory support will be absorbed by the existing Police Department budget.

Uberuaga/Bejarano/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Accepting Grant from the California Council for the Humanities.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1420) ADOPTED AS RESOLUTION R-298068

Authorizing the City Manager to accept a \$75,000 grant from the California Council for the Humanities for the purpose of presenting a community program "Stories of Faith: Religion and Diversity in San Diego";

Authorizing and directing the City Auditor and Comptroller to establish a fund for the purpose of handling the accounting to facilitate the process of tracing revenue and expenditures for this project.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Public Library is requesting authorization to accept funding from the California Council for the Humanities and to establish a fund for the purposes of tracking grant revenue and expenditures for "Stories of Faith: Religion and Diversity in San Diego, " part of the statewide California Stories Initiative.

The proposed project would allow San Diego Public Library to present a series of programs at the Central Library, City Heights Weingart Branch Library, and Malcolm X Library and Performing Arts Center/Valencia Park. The programs will be offered to residents citywide at no charge with the purpose of bringing together communities to present, discuss, and share the way they understand and experience religion. The San Diego Public Library is committed to community outreach to diverse groups and this

project would be part of this ongoing effort. Through the planning of different and complementary activities in diverse locales and settings, the project intends to offer a series of platforms for the encounter, dialogue, and exchange among various communities.

Planned for this project are theatrical performances, radio and television documentaries and essays, art exhibitions and interactive storytelling workshops, concerts and musical performance which reflect the comprehensive community partnerships that will be involved in the project including: the Playwrights Project, Icarus Puppet Company, KPBS, the Alliance for African Assistance, the Buddhist Temple of San Diego, and the Ecumenical Council of San Diego County.

FISCAL IMPACT:

The project will be paid for with \$75,000 in grant funding from the California Council for the Humanities, with in kind matches of salary from the San Diego Public Library general fund, and other programming costs supplied by donations from other granting agencies.

Herring/Tatar/DLP

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Street Dedication and Naming of Hidden Trails Drive and Westport View Drive.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1388)

ADOPTED AS RESOLUTION R-298069

Approving the dedication and naming of public streets on City-owned land as Hidden Trails Drive and Westport View Drive, located in Lot "C" of California Terraces, North Phase Unit No. 1, Map No. 13530.

CITY MANAGER SUPPORTING INFORMATION:

These streets are located southeasterly of Ocean View Hills Parkway and Palm Avenue in the Otay Mesa Community Plan area in Council District 8. Council is requested to approve the dedicating of City-owned land for public street purposes and naming the public streets Hidden Trails Drive and Westport View Drive. The streets are in Lot "C" of California Terraces, North Phase Unit No. 1, Map No. 13530 as shown on Engineering Drawing No. 19997-1-2-B.

These streets are required for the access and development of Hidden Trails, Unit 1 final map and have been designed to correspond with the approved Tentative map and improvement plans for the map.

Staff recommends approval.

FISCAL IMPACT:

None.

Ewell/Broughton/GRB

FILE LOCATION: DEED F-9550

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Two-Hour Unmetered Parking Zone on Jewell Street.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1370)

ADOPTED AS RESOLUTION R-298070

Establishing a two-hour unmetered parking zone, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on both sides of Jewell Street between Emerald Street and Garnet Avenue;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes two-hour parking from 8:00 a.m. to 6:00 p.m., Sundays and certain holidays excepted, on both sides of Jewell Street between Emerald Street and Garnet Avenue.

This area is adjacent to the Garnet Avenue business area, and increasing the turnover of parking would benefit the area as a whole. Field inspections by Traffic Engineering Staff revealed a very high level of occupancy and a low turnover, thus satisfying the minimum requirements for time limit parking. This area is also adjacent to other areas with time limit parking. For that reason, this request is justified, and adequate enforcement will be provided.

A petition representing 100% of the affected properties was submitted in support of time limit parking on Jewell Street between Emerald Street and Garnet Avenue. Also, the Pacific Beach Community Planning Committee is in support of this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Appointments to the Citizens Equal Opportunity Commission (CEOC).

(See memorandum from Mayor Murphy dated 5/27/2003 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1440) ADOPTED AS RESOLUTION R-298071

Council confirmation of the following appointments by the Mayor to serve as members of the Citizens Equal Opportunity Commission for two-year terms as indicated, and in categories as specified:

<u>Name</u>	<u>Category</u>	<u>Term Ending</u>
Bradford E. Barnum (replacing Art C. Domingo, who resigned)	City at Large	January 1, 2005
Julia Ashley Legaspi (reappointment and changed designation to representative in the Filipino category, replacing Art C. Domingo as representative)	Filipino	January 1, 2005

Eileen Chaske (replacing Joyce Ojibway Jennings, whose term has expired)	American-Indian	January 1, 2005
James Michael McManus (replacing Melody K. Anderson, whose term has expired)	City at Large	January 1, 2004
Sharon A. Marshall (replacing George C. Aguilar, whose term has expired)	City at Large	January 1, 2004
Rev. Arthur L. Cribbs, Jr. (reappointment)	Black	January 1, 2005
Dr. Daniel R. Salas (reappointment)	Mexican-American	January 1, 2005

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: 10:14 a.m. - 10:16 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT THE RESOLUTION TO CONFIRM THE APPOINTMENTS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea (nay on appointing Brad Barnum), Maienschein-yea, Frye-yea (nay on appointing Brad Barnum), Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: This item has been replaced by Item 701 on today's docket.

ITEM-201: Housing Trust Fund FY 2004-2006 Three-Year Program Plan and FY 2004 Implementation Strategy.

(See the San Diego Housing Commission Report HCR-03-028.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1309)

ADOPTED AS RESOLUTION R-298072

Approving the San Diego Housing Trust Fund Fiscal Year 2004-2006 Three-Year Program Plan and FY 2004 Implementation Strategy.

NOTE: See the Housing Authority Agenda of 6/10/2003 for a companion item.

FILE LOCATION:

MEET

COUNCIL ACTION:

(Time duration: 11:51 a.m. - 11:51 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Settlement of the Property Damage Claim of El Rosal Condominiums, et al. Claim No. LP03-0705-1625.

(R-2003-1357)

Adopted as Resolution R-297953.

A Resolution approved by the City Council in Closed Session on Tuesday, May 13, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$528,896.69 in the settlement of each and every claim against the City, its agents and employees, resulting from property damage claim of El Rosal Condominiums et al., on January 2, 2003;

Authorizing the City Auditor and Comptroller to issue various checks in the total amount of up to but not to exceed \$492,187.91 made payable to various claimants in full settlement of all claims;

Authorizing the City Auditor and Comptroller to transfer \$400,000 from the Water Department Unallocated Reserve-Fund 41500, Dept. 760, Organization 5005, O/A 4903 to the Water Department Liability Account-Fund 41500, Dept. 760, Organization 503, O/A 4824, Job Order 50301, for settlement of the property damage claim of the El Rosal Condominiums et al.

Aud. Cert. 2301148.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: Settlement of the Property Damage Claim of Maria Navarra, et. al.
Claim File No. LP03-0705-1389.

(R-2003-1358)

Adopted as Resolution R-297954.

A Resolution approved by the City Council in Closed Session on Tuesday, May 13, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$140,138.91 in the settlement of each and every claim against the City, its agents and employees, resulting from the property damage claims of Maria Navarra et. al. on November 29, 2002;

Authorizing the City Auditor and Comptroller to issue various checks in the amount of up to but not to exceed \$108,244.36, made payable to various claimants in full settlement of all claims.

Aud. Cert. 2301149.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-252: South Pacific Highway Trunk Sewer & Water Group Job 535.

(R-2003-1396)

Adopted as Resolution R-297998.

A Resolution approved by the City Council in Closed Session on Tuesday, May 20, 2003, by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; Lewis-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to execute Change Order No. 1 to the contract between the City of San Diego and Cal Southwest Construction, Inc., in the amount of \$633,458 as full compensation for all equipment, materials, labor, field and home office overhead, indirect and consequential costs, mark-ups, and profit necessary to complete the South Pacific Highway Trunk Sewer & Water Group Job 535;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$633,458 from CIP-46-195.0 to CIP-40-928.0;

Authorizing the expenditure of an amount not to exceed \$633,458 from CIP-40-928.0 to Cal Southwest Construction, Inc., for Change Order No. 1.

Aud. Cert. 2301165.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-330: Refunding of Three 1915 Act Assessment District Bonds and Creation of Reassessment District No. 2003-1.

(See City Manager Report CMR-03-069. Otay Mesa Community Plan Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in subitems A and B and note and file the resolution in subitem C, only if the reassessment ballot process is successful; if the reassessment ballot process is not successful, adopt the resolution in subitem C and note and file the resolutions in subitems A and B:

Subitem-A: (R-2003-1400) ADOPTED AS RESOLUTION R-298078

Adoption of a resolution approving the report of the Assessment Engineer; declaring the results of reassessment ballot tabulation; determining that a majority protest to the levy of reassessments does not exist and confirming reassessments within Reassessment District No. 2003-1.

Subitem-B: (R-2003-1306) ADOPTED AS RESOLUTION R-298079

Adoption of a resolution authorizing and providing for the issuance of limited obligation refunding bonds for Reassessment District No. 2003-1 and approving the form of a bond indenture.

Subitem-C: (R-2003-1401) NOTED AND FILED

Adoption of a resolution declaring the results of reassessment ballot tabulation; determining the existence of a majority protest to the levy of reassessments and ordering the abandonment of proceedings to form Reassessment District No. 2003-1.

CITY MANAGER SUPPORTING INFORMATION:

On April 22, 2003, the City Council adopted two resolutions associated with this action:

Resolution Number R-297877 declared the City Council's intention to establish Reassessment District No. 2003-1, consolidate and reassess the properties within the City's 1915 Act Special Assessment District Numbers 4011 (De La Fuente Business Park - Ph 1), 4021 (De La Fuente Business Park - Ph 2), and 4036 (International Business Center) (the "Original Districts"), into the proposed new Reassessment District No. 2003-1, and issue refunding bonds supported by the reassessments (the "Limited Obligation Refunding Bonds").

Resolution Number R-297878 preliminarily approved the Engineer's Report, set June 10, 2003 as the date for a public hearing on the proposed reassessments and refunding, and directed the City Clerk to provide for the mailing of a notice of the public hearing to the record owners of property proposed to be reassessed, together with reassessment ballot materials.

At the noticed public hearing, the City Council will be asked to hear testimony for or against formation of the district and the proposed refunding. The City Council will then declare the public hearing closed and the City Clerk will tabulate the ballots from affected property owners. If the ballots cast in favor of the Reassessment District and refunding meet or exceed the ballots cast against, the City Council will be asked to adopt resolutions confirming reassessments within Reassessment District No. 2003-1 and authorizing and providing for the issuance of Limited Obligation Refunding Bonds as well as approving a form of the associated bond indenture.

If the ballots cast in opposition to the Reassessment District and refunding exceed the ballots cast in favor, the City Council will be asked to adopt a resolution ordering the abandonment of proceedings to form Reassessment District 2003-1.

If these proceedings are successful, and depending on market conditions, it is anticipated that the Limited Obligation Refunding Bonds would be issued this summer.

CITY MANAGER SUPPORTING INFORMATION:

City staff would return to the City Council prior to the proposed sale of bonds to seek approval of various additional financing documents, including a preliminary official statement, a continuing disclosure agreement between the Fiscal Agent and the City, and a continuing disclosure agreement between the Fiscal Agent and any major property owners. The Limited Obligation Refunding Bonds would be issued at interest rates that would result in lower debt service requirements, thereby reducing annual special assessments for property owners within the new consolidated Reassessment District No. 2003-1. It should be noted, however, that recent input from the investment community indicates that the proposed refunding may not reach the savings levels that might otherwise be achieved due to: a higher than normal assessment delinquency and foreclosure history with respect to two of the Original Districts; current and pending litigation involving certain properties within two of the Original Districts; status of development of the properties within the overall proposed reassessment district; and other factors.

FISCAL IMPACT:

There would be no fiscal impact to the City's General Fund as a result of these actions. All costs related to the creation of the Reassessment District and the issuance of the refunding bonds would be reimbursed from bond proceeds. Certain costs have been interim funded by the City's Special Assessment District Delinquency Fund, and would be subsequently reimbursed if the refunding bonds are sold. If the Reassessment District is established and the Refunding Bonds are issued, annual debt service, as well as costs of administering the reassessment district, would be covered by assessments collected from the owners of property within the district.

Frazier/Vattimo/CW

NOTE: As this project is a financing measure only, it is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: STRT-D-2308 (31)

COUNCIL ACTION: (Time duration: 11:14 a.m. - 11:15 a.m.; 2:47 p.m. - 2:49 p.m.)

Mayor Murphy opened the Hearing at 11:14 a.m. and requested the City Clerk to tabulate the ballots. Mayor Murphy recessed the Hearing at 11:15 a.m. to resume at 2:30 p.m.

Mayor Murphy resumed the Hearing at 2:47 p.m. and asked the City Clerk to announce the tally for Reassessment District 2003-1.

Assistant City Clerk Joyce Lane read into the record as follows: "The election has been conducted in accordance with reassessment proceedings, and the ballots submitted were all in favor of the reassessment, and therefore, there was no majority protest."

Mayor Murphy closed the Hearing at 2:49 p.m.

MOTION BY MAIENSCHIN TO ADOPT THE RESOLUTION IN SUBITEM A TO APPROVE THE REPORT OF THE ASSESSMENT ENGINEER, TO DECLARE THE RESULTS OF THE REASSESSMENT TABULATION DETERMINING THAT A MAJORITY PROTEST OF THE ASSESSMENTS DOES NOT EXIST, THEREFORE, CONFIRMING THE REASSESSMENTS WITHIN REASSESSMENT DISTRICT 2003-1. TO ADOPT THE RESOLUTION IN SUBITEM B TO AUTHORIZE THE ISSUANCE OF THE LIMITED OBLIGATION REFUNDING BONDS FOR

ASSESSMENT DISTRICT NO. 2003-1, AND TO APPROVE THE FORM OF THE BOND INDENTURE. TO NOTE AND FILE THE RESOLUTION IN SUBITEM C. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Torrey Highlands-Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2003.

(See City Manager Report CMR-03-079. Torrey Highlands Community Plan Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1271) ADOPTED AS RESOLUTION R-298073

Resolution approving the Development Impact Fee Schedule for properties within Torrey Highlands.

Subitem-B: (R-2003-1272) ADOPTED AS RESOLUTION R-298074

Resolution designating an area of benefit in Torrey Highlands and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the facilities benefit assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in facilities benefit assessments, and proceedings thereto, and ordering of proposed public facilities project in the matter of Torrey Highlands Facilities Benefit Assessment Area.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/23/03, LU&H voted 4 to 0 to approve. Direction was also given to the City Manager to continue working with city staff to ensure that the Building Industry Association is noticed and involved sooner on PFFP, FBA, and Development Impact Fee issues. (Council members Peters, Zucchet, Atkins, and Frye voted yea. Councilmember Lewis not present.)

FISCAL IMPACT:

Approval of this Public Facilities Financial Plan (PFFP) and Facilities Benefit Assessment will continue to provide a funding source for the public facilities identified in the subarea plan.

Ewell/Goldberg/GH

FILE LOCATION: STRT-FB-22 (33)

COUNCIL ACTION: (Time duration: 11:15 a.m. - 11:15 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Zuchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Torrey Hills (formerly Sorrento Hills) Commercial Rezone.

Matter of approving, conditionally approving, modifying or denying the proposed commercial rezone from CC-1-3 (Community Commercial) to CN-1-2 (Neighborhood Commercial) of a vacant 2.49 acre site. The subject property is located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive in the Torrey Hills (formerly Sorrento Hills) Community (Parcel 1 of recorded Map No. 18123). The community is located north of Mira Mesa, directly east of Interstate 5 and Torrey Pines, and south of Carmel Valley. The purpose of the rezone is to achieve consistency with the Torrey Hills (formerly Sorrento Hills) Community Plan.

(Sorrento Hills Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2003-154) INTRODUCED, TO BE ADOPTED ON TUESDAY,
JUNE 24, 2003

Introduction of an Ordinance changing 2.49 acres located on the southwest corner of Carmel Mountain Road and East Ocean Air Drive, within the Torrey Hills (formerly Sorrento Hills) Community Plan Area, in the City of San Diego, California, from the CC-1-3 Community Commercial Zone (previously referred to as the CA Zone) into the CN-1-2 Neighborhood Zone (previously referred to as the CN Zone), as defined by San Diego Municipal Code Sections 131.0507.B.1 and 131.0502.B; and repealing Ordinance No. O-18393 (New Series), adopted March 31, 1997, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-B: (R-2003-1326) ADOPTED AS RESOLUTION R-298075

Adoption of a Resolution certifying the information contained in the final document, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guidelines Section 15162 would warrant any additional environmental review in connection with approval of the Torrey Hills (formerly Sorrento Hills) rezone;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on November 14, 2002, voted 7-0 to approve; no opposition.

Yeas: Anderson, Lettieri, Brown, Chase, Garcia, Schultz, Steele

On March 25, 2002, the Sorrento Hills Community Planning Board voted 8-0-0 in favor of the rezone of the designated neighborhood commercial properties. On October 15, 2002, the board voted 9-0-0 to reaffirm their support of the commercial rezone.

SUPPORTING INFORMATION:

The Sorrento Hills Community Plan designates approximately 13 acres for Neighborhood Commercial development on parcels on the south side of Carmel Mountain Road on both the east and west side of East Ocean Air Drive. This proposal would rezone the smaller 2.49 acre parcel

to the southwest corner from CC-1-3 to CN-1-2. The larger parcels at the southeast corner were approved by the City Council for a rezone to CN-1-2 by a separate project, Torrey Hills Center on February 18, 2003. The Community Plan describes the commercial area as a neighborhood center with uses such as: a neighborhood market, smaller retail shops and restaurants. The plan also identifies the smaller parcel as a potential gas station site. The property owner, Chevron, received approval of a Conditional Use Permit (CUP) for a gas station on October 23, 2001 for this site. The approved permit allows development of a gas station, mini-mart and car wash facilities. The entire site is currently vacant and has been graded in accordance with a previous map approved for the area.

On November 14, 2002 the Planning Commission voted 7-0 to recommend approval of the proposed rezone. The proposal will change the zone to be consistent with the Sorrento Hills Community Plan recommendation for the neighborhood commercial area. The CC-1-3 zone was incorrectly applied with the rezoning of properties associated with a previously approved master plan project that included this property.

The rezone to CN-1-2 would permit uses that are compatible with a neighborhood commercial designation as identified in the Community Plan. Permitted uses under the CN-1-2 zone include: eating and drinking establishments; medical offices; and food, beverages and groceries retail sales. The CN zone is intended to provide the residential area with smaller scale, lower intensity developments without 24-hour uses or drive-thru restaurants. The existing CC-1-3 zone is a more general commercial zone that allows a wider range of uses at higher intensities than the CN-1-2 zone. The proposed zone will provide the standards for the intended intensity and types of commercial uses as envisioned in the community plan. Although gas stations are not allowed in the CN-1-2 zone, the proposed rezone does not conflict with the approved CUP for the parcel. A gas station would still be permitted under the proposed zone with the approval of a Planned Development Permit and would also be consistent with the recommended use in the community plan.

FISCAL IMPACT:

The cost associated with processing this rezone was included in the long range planning work program for monitoring the Sorrento Hills Community Plan.

Ewell/Goldberg/ETN

<u>FILE LOCATION:</u>	LUP - <u>Torrey Hills</u> (formerly Sorrento Hills) Commercial Rezone 6/10/03 (65)
<u>COUNCIL ACTION:</u>	(Time duration: 11:15 a.m. - 11:15 a.m.)

MOTION BY PETERS TO INTRODUCE THE ORDINANCE IN SUBITEM A; AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment-FY 2004.

(See City Manager Report CMR-03-104. Rancho Peñasquitos Community Plan Area. District-1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-1327) ADOPTED AS RESOLUTION R-298076

Resolution approving the document titled "Rancho Peñasquitos Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004, May 2003."

Subitem-B: (R-2003-1328) ADOPTED AS RESOLUTION R-298077

Resolution declaring its intention to designate an area of benefit in Rancho Peñasquitos and setting the time and place for holding a public hearing thereon.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 5/21/03, LU&H voted 4-0 to approve. (Council members Peters, Zucchet, Lewis, and Frye voted yea. Councilmember Atkins not present.)

FISCAL IMPACT:

Approval of this revised Public Facilities Financing Plan and Facilities Benefit Assessment will continue to provide a funding source for the public facilities identified in the Rancho Peñasquitos Community Plan..

Ewell/Goldberg/JLC

FILE LOCATION: STRT-FB-23 (33)

COUNCIL ACTION: (Time duration: 11:16 a.m. - 11:16 a.m.)

MOTION BY PETERS TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: Appeal of Tie-down Fee Increases at Montgomery Field Airport.

(See City Manager Report CMR-03-087. Kearny Mesa Community Plan Area.
District-6.)

(Continued from the meetings of May 6, 2003, Item 330, and June 3, 2003, Item
330, last continued at the request of the City Manager, in order to be heard on the
same day as “cost recovery fees.”)

CITY MANAGER'S RECOMMENDATION:

Deny the Appeal and approve the fee increases to market rates for City Airports.

TODAY'S ACTION IS:

Adopt **either** Subitem-A denying the appeal **or** Subitem-B granting the appeal:

Subitem-A: (R-2003-1252) DENIED APPEAL, ADOPTED AS RESOLUTION
R-298081

Resolution denying appeal of City Airports Tie-Down and Fuel Fee Increases.

OR

Suibitem-B: (R-2003-1253) NOTED AND FILED

Resolution granting appeal of City Airports Tie1Down and Fuel Fee Increases.

SUPPORTING INFORMATION:

The City of San Diego owns and operates two General Aviation Airports, Montgomery and Brown Field. The Airports Division operates as a user-funded enterprise system, receiving no general fund subsidy. All revenues from airport rates charges and fees are used to support the operating, capital, and other cost associated with Montgomery and Brown Field.

The City of San Diego Administrative Regulation No. 95.25 provides for an annual review of the fees and charges that the City departments may administer to recover the cost of providing services. City Municipal Code Section 68.0119 grants the City Manager authority to charge and collect fees associated with the City Airports. Council Policy 100-5 formalized the process of notifying the public when changes to fee structures are made.

The Final Policy Regarding Airport Rates and Charges (Federal Register/Vol. 61. No. 121) requires airports to maintain a fee and rental structure for the facilities and services at the airports to make them as self-sustaining as possible. The Final Policy also requires that all revenues generated by the airports, including monthly aircraft parking rents and aviation fuel flowage fees, be expended by it for the operating and capital costs of the airports.

The last time airport fees were brought to market rate was in 1999. Fuel flowage fees were increased from 4 cent to 5 cent per gallon with no appeal requested. Monthly tiedown fees were proposed to be increased from \$50 to \$85 for a single engine aircraft and from \$65 to \$100 for twin engine aircraft. In addition, a new fee structure of 8 cents per square foot was proposed for larger aircraft occupying over 1050 square feet. An appeal of the tiedown fees was requested. The City Council denied the appeal and directed staff to implement the increase over two years since an adjustment had not occurred for 10 years. Staff was also directed to review rates annually. After review in 2001, fees were not increased as the aviation industry was experiencing the impacts of the September 11 terrorist attacks. As evidenced by the number of based aircraft, annual operations and demand for aircraft parking, City Airports have since recovered. At Montgomery Field during calendar year 2002, annual aircraft operations increased 13% over 2001. In addition, there were no parking vacancies, and there was a waiting list for aircraft parking. At Brown Field during the same reporting period, the number of based aircraft

increased, a new fuel provider began operations, and total aircraft operations increased 14%.

Stakeholders and users were properly noticed regarding the currently proposed fee increases. The proposed increase directly effect 98 aircraft at Montgomery Field, and the five fuel service providers that deliver fuel to the two City airports. On March 21, 2003 and March 25, 2003, letters were sent to the effected parties. The increases were discussed at the March 4, 2003 and April 1, 2003 Airports Advisory Committee (AAC) meetings. As of April 15, 2003, four letters appealing the increases were received and acknowledged.

FISCAL IMPACT:

Total fiscal impact associated with this action will increase the Airports Enterprise Fund by approximately \$98,000 annually.

Griffith/Herring/TLM

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:52 a.m. - 12:00 p.m. - 2:51 p.m. - 3:17 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM A TO DENY THE APPEAL AND TO APPROVE THE FEE INCREASES TO MARKET RATES FOR CITY AIRPORTS, AND TO NOTE AND FILE THE RESOLUTION IN SUBITEM B. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 7:36 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 7:36 p.m.)